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Bucket No. 22562-14

PATENT

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Stephanie R. Berlepsch  
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**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Jeffrey W. Blanton : Paper No.:  
Serial No.: 10/613,280 : Group Art Unit: 3611  
Filed: July 3, 2003 : Examiner: Daniel G. DePumpo  
For: Automatic Hitch Assembly

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated April 27, 2004, the Examiner required restriction under 35 USC 121 to one of the following groups specified in the Office Action:

- I. Claims 1-16
- II. Claims 17-19

Applicant respectfully traverses the requirement on the basis that it would not be unduly burdensome for the Examiner to simultaneously examine all of the claims in this application, especially because the groupings are related such that the same art classifications (e.g., class 280) would need to be searched for one grouping as for the others, and the same general field of search (e.g., connection facilitating and couplings) would be required. See MPEP § 808.02. In particular, the groupings are generally related in dealing with hitch assemblies. In fact, the process of claims 17-19 currently requires "providing a hitch assembly." Moreover, Applicant would be faced with an undue burden and expense if forced to file multiple divisional patent applications on the related groupings set forth in the Office Action.


Furthermore, the statutory mandate of 35 U.S.C. §121 requiring a finding of two or more independent and distinct inventions has not been shown in this case. In particular, 35 U.S.C. §121 states that “[i]f two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.” Consequently, the standard for restriction requirements is that two or more independent and distinct inventions must be present. In imposing the present requirement, the Office Action focuses only on distinctness. It is Applicant’s position that absent a showing of independence, imposition of the present restriction requirement fails to comply with the requirements of 35 U.S.C. §121. Moreover, even when two or more independent and distinct inventions are found, imposition of the requirement is discretionary with the Director.

Accordingly, reconsideration of the restriction requirement is requested.

For purposes of complying with 37 C.F.R. § 1.143, Applicant hereby provisionally elects with traverse the group labeled in the Office Action as Group I, claims 1-16.

It is believed that the above represents a complete response to the restriction requirement. Accordingly, it is believed that the present application is in condition for allowance, and reconsideration and an early allowance are requested.

Respectfully submitted,

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